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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,401	01/02/2004	John Martin	247342US8	2869
22850 7590 06/06/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PARDO, THUY N	
			ART UNIT 2165	PAPER NUMBER
			NOTIFICATION DATE 06/06/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/749,401

Applicant(s)

MARTIN, JOHN

Examiner

Thuy N. Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                  |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/2/04; 7/6/04; 7/12/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

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### **DETAILED ACTION**

1. Applicant's Application filed on January 02, 2004 has been reviewed.
2. Claims 1-33 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 22-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims do not provide a practical application because they do not produce a useful, tangible and concrete result. Therefore, they fail to fall within a statutory category of invention.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8-14, 18, 20-25 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (Hereinafter "Black") US Patent Application No. 2002/0059317 in view of Hind et al. (Hereinafter "Hind") US Patent Application No. 2003/0135507.

Referring to claim 1, Black teaches the invention substantially as claimed, comprising:  
a de-duplication device configured to compare files from at least one custodian and tag one of said files from at least one custodian with duplication information [de-duplicating data file operation 62 starts with an operation 64 of calculating a SHA value for each of the data files. Then, in an operation 66, the SHA values of the data files are compared. If the data files have the same SHA value from an operation 68, i.e. the "Yes" path, one of the duplicated data files is retained in the file database, and the other duplicated data files are flagged in the file database; 0047; 0062; 66-70 of fig. 4];

and a criteria filtering device configured to screen said plurality of files against at least one of a compliance word and a privilege word [calculating a SHA value of the received data files to determine whether the received data files have duplicates and flagging duplicated data files in the database, ab; 0019].

However, Black does not explicitly teach a data access and merge device configured to download a plurality of files to be filtered from at least one archive although it has the same functionality of organizing the received data files, based on a predetermined user list, into a source directory structure and a destination directory structure [0009]. Hind teaches a data access and merge device configured to download a plurality of files to be filtered from at least one archive [access files and metadata from a central repository, ab; fig. 2; 0016].

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Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Hind to the system of Black as an essential means to assist the user downloading files from the central repository with application-based activities at his computer device.

Referring to claim 2, Black and Hind teach the invention substantially as claimed. Hind further teaches a predetermined data structure [(i.e., predetermined data structure), store field values with most appropriate field values, s152 of fig. 9] derived tagging module configured to tag a file with a unit of file meta-data [fig. 3B].

Referring to claim 3, Black and Hind teach the invention substantially as claimed. Hind further teaches that the unit of file meta-data comprising at least one of: file name; date last modified; date created; author; and subject [40, 44-47 of fig. 3A-3B].

Referring to claim 4, Black and Hind teach the invention substantially as claimed. Hind further teaches that said data access and merge device further comprising at least one of a virus identification and cleaning device; an encryption/password identification and decryption/key recovery device fig. 3A-3B]; and Black further teaches a foreign language identification and conversion device [an image conversion processor for converting the remaining subset of de-duplicated data files into image files, 0009; 74-84 of fig. 5].

Referring to claim 8, Black and Hind teach the invention substantially as claimed. Hind further teaches that said criteria filtering device comprising: a compliance word filtering device configured to screen said plurality of files against a predetermined compliance word so and produce one of a compliant file and a non-compliant file; a privileged word filtering device configured to screen said compliant file against a predetermined privileged word and produce one of a compliant, privileged file and a compliant, non-privileged file; a production set storage device configured to store said compliant, non-privileged file; and a privileged set storage device configured to store said compliant, privileged file [relevant list and irrelevant list, 0009-0010].

Referring to claim 9, Black and Hind teach the invention substantially as claimed. Black further teaches that an index scheme selection device configured to store at least one of said predetermined compliance word and said predetermined privileged word; and a synonym set creation device configured to store a synonym at least one of said predetermined compliance word and said predetermined privileged word [organizing/categorizing the received data files, based on a predetermined user list, into a source directory structure and a destination directory structure, 0019; 0042; 0046].

Referring to claim 10, Black and Hind teach the invention substantially as claimed. Black further teaches that a file converter device configured to convert one of said compliant, non-privileged file and said compliant, privileged file to a production file; and a profiler configured to estimate at least one of a printed page count and a cost to print said production file [0045; 0049; 0057].

Referring to claim 20, Black and Hind teach the invention substantially as claimed. Black further teaches an external control device configured to receive instructions and provide status information to a remote control device [0109].

Referring to claims 11-14, 18, 21, 22-25, 29-33, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

5. Claims 5-7, 15-17, 19 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (Hereinafter "Black") US Patent Application No. 2002/0059317 in view of Hind et al. (Hereinafter "Hind") US Patent Application No. 2003/0135507, in further view of Massoumi et al. (Hereinafter "Massoumi") US Patent No. 6,115,300.

Referring to claim 5, Black and Hind teach the invention substantially as claimed, with the exception that said de-duplication device comprising at least one of: a vertical de-duplication device configured to compare files from a single custodian and tag one of said files from a single custodian with vertical duplication information and a horizontal de-duplication device configured to compare files from a plurality of custodians and tag one of said files from a plurality of custodians with horizontal duplication information although they have the same functionality of eliminating the redundant files in the computer system. Massoumi teaches said de-duplication device comprising at least one of: a vertical de-duplication device configured to compare files from a single custodian and tag one of said files from a single custodian with vertical duplication

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information and a horizontal de-duplication device configured to compare files from a plurality of custodians and tag one of said files from a plurality of custodians with horizontal duplication information [col. 2, lines 50-61; col. 4, lines 8-21]. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Massoumi to Black- Hind's system as an essential means to increase the efficiency of eliminating the redundancy in the file system.

Referring to claim 6, Black, Hind and Massoumi teach the invention substantially as claimed. Massoumi further teaches that said vertical de-duplication device comprising: a meta-data comparison device; a content comparison device; a file binary comparison device; and a time stamp comparison device [ab; col. 1, lines 61 to col. 2, lines 29; col. 2, lines 62 to col. 3, lines 25].

Referring to claim 7 Black, Hind and Massoumi teach the invention substantially as claimed. Massoumi further teaches that said horizontal de-duplication device comprising: an author/originator filtering device; a meta-data comparison device; a content comparison device; a file binary comparison device; and a time stamp comparison device [col. 2, lines 50-61; col. 4, lines 8-21].

Referring to claim 19, Black, Hind and Massoumi teach the invention substantially as claimed. Massoumi further teaches that a data export device configured to export at least a portion of a file to a remote processor via one of a network connection, direct connection, a



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wireless connection, and a portable media drive, wherein said remote processor is configured to perform at least one of store a filter result, remove a virus, and decrypt/unprotect a file [col. 2, lines 2-8, 51-61].

Referring to claims 15-17 and 26-28, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 28, 2007



**THUY PARDO  
PRIMARY EXAMINER**